

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.71 of 2021

=====

DEEP Advertising (I.T. Division) through its Proprietor Rajinder Deepa, aged about-61 Years, Gender-male, Son of Late Sohan Lal Rajdev, Resident of House No. 179, Sector-18A, Chandigarh-160018.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Electoral Officer-Cum-Secretary to Government of Bihar, 7, Mangles Road, Patna-800015.
2. The District Magistrate-Cum-District Election Officer, Katihar.
3. The District Magistrate-Cum-District Election Officer, Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate

For the Respondent/s : Mr. AC to GA-7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 15-12-2021

This application has been moved seeking appointment of an Arbitrator invoking the powers of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996.

Petitioner and the respondents entered into a written agreement dated 03.06.2004. The said agreement contains an arbitration clause. The petitioner has invoked the arbitration clause vide notice dated 20.04.2021(Annexure-8, Page 71) asking the respondents herein to appoint an Arbitrator, also



setting out the terms of the dispute.

It is pleaded that the respondents have neither settled the dispute nor responded to the said notice. The disputes are civil in nature, arising out of an agreement dated 03.06.2004.

Today, there is no dispute about-(a) the legality, validity and binding effect of a written agreement dated 03.06.2004 and subsequently entered into between the parties to the *lis*; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arising there from; (d) the dispute arisen out of the agreement being civil in nature; (e) no legal impediment in the adjudication of the dispute by the learned Arbitrator; f) Petitioner having exhausted the channel available for resolution of dispute; (g) the respondent having failed to appoint an Arbitrator pursuant to the invocation of the arbitration clause by the petitioner.

As such, Hon'ble Mr. Justice Shivaji Pandey, Former Judge of this Court is appointed as learned Arbitrator to adjudicate all disputes arising out of agreement dated 03.06.2004 entered into between the parties to the *lis*.

All pleas and issues raised, on merits, are left open to be considered and decided by the learned Arbitrator.

Learned Arbitrator shall be entitled to fee as per the



schedule of the Act.

Since the dispute arises out of an agreement of the year 2004, the hearing be expedited.

Parties are directed to fully cooperate and not take any unnecessary adjournment.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

It is expected of the learned Arbitrator to decide the issues expeditiously.

Joint Registrar (List) is directed to communicate the order to the learned Arbitrator.

Learned counsel for the parties to communicate the order to the learned Arbitrator. Also, parties are directed to appear before him, through physical/digital mode on 03.01.2022 and apprise him of passing of this order.

Parties shall file their statement of claims before the learned Arbitrator on such date of hearing which he may fix, as per mutual convenience.

The Request Petition stands disposed of in the above terms.



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	17.12.2021
Transmission Date	

